

DEE DANIELS

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Southern District of New York  
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14 CV 1456

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

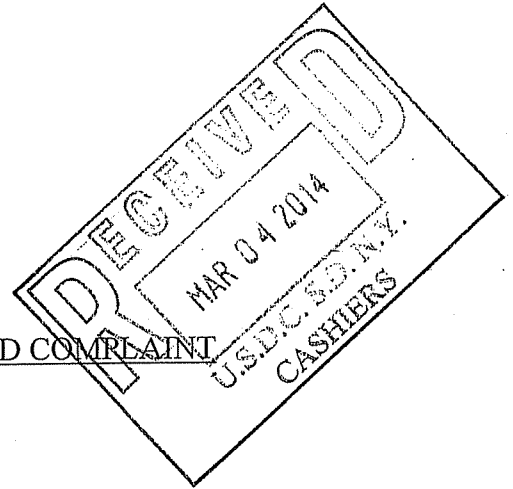
- v. - :

\$13,119.00 IN UNITED STATES :  
CURRENCY, :

Defendant-in-rem.  
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VERIFIED COMPLAINT

14 Civ.



Plaintiff United States of America, by its attorney, PREET BHARARA, United States Attorney for the Southern District of New York, for its verified complaint alleges, upon information and belief, as follows:

I. NATURE OF THE ACTION

1. This action is brought by the United States of America pursuant to 21 U.S.C. § 881(a)(6), seeking the forfeiture of \$13,119.00 in United States currency (the "Defendant-in-rem"), on the ground that the Defendant-in-rem constitutes moneys furnished or intended to be furnished in exchange for a controlled substance, proceeds traceable to such an exchange, and/or moneys used or intended to be used to facilitate such an exchange.

II. JURISDICTION AND VENUE

2. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1345 and 1355.

3. Venue is proper under 28 U.S.C. §§ 1355(b) and 1395(b) because acts and omissions giving rise to the forfeiture took place in the Southern District of New York and because the Defendant-in-rem was found and seized in the Southern District of New York.

4. The Defendant-in-rem is currently in the custody of the United States Marshals Service.

### III. PROBABLE CAUSE FOR FORFEITURE

5. On or about March 20, 2013, a search warrant was issued by the Honorable Judge S. Brockett in the City of Middletown City Court (the "Search Warrant") authorizing the search of 17 Kensington Way, Middletown, New York (the "Residence") and a 2011 Toyota Sienna, bearing NY registration EXE3393, VIN # 5TDDK3DC9BS001133 (the "Vehicle").

6. The application for the Search Warrant was based upon, *inter alia*, unlawful possession of controlled substances at the Residence. In addition, a Confidential Informant provided information to police officers from the City of Middletown Police Department ("CMPD") and agents from the Federal Bureau of Investigation ("FBI") that (i) Damon Wheeler ("Wheeler") has been a drug trafficker in Middletown, New York for approximately a year and a half, (ii) Wheeler regularly sold illegal drugs to members of a street gang in Middletown, New York, (iii) illegal drugs are transported to the sale sites by Wheeler in the Vehicle, and (iv) drug purchases were made by cooperating witnesses from Wheeler in the Vehicle.

7. On or about March 29, 2013, police officers from the CMPD executed the Search Warrant at the Residence. Upon the arrival of CMPD officers at the Residence, Wheeler was found hiding in the master bedroom closet (the "Closet"), Thandiwe Boyd ("Boyd") was at that time walking downstairs from an upstairs bedroom, and a third Individual ("Individual-1")

was located in the front bedroom.

8. During the execution of the Search Warrant, CMPD officers seized (1) \$13,019.00 in United States currency of the Defendant-in-rem in the Closet where Wheeler was located, (2) \$100.00 in United States currency of the Defendant-in-rem from a black jacket located in a coat closet, (3) approximately 5.1 grams of crack cocaine located in a dresser draw in the master bedroom, (4) approximately 4.2 grams of powdered cocaine located in the kitchen cabinet, (5) illegal pills and 8.3 grams of marijuana located in a blue jacket in a coat closet, and (7) drug packing materials and a scale located in the kitchen.

9. Wheeler and Boyd were placed under arrest and on or about March 29, 2013, the Defendant-in-rem was transported to the FBI for processing.

10. Subsequently, the FBI began its administrative forfeiture proceedings against the Defendant-in-rem.

11. Thereafter, Boyd submitted a claim for the Defendant-in-rem with the FBI, wherein she stated that she is the owner of the Defendant-in-rem, and that the Defendant-in-rem represents Boyd's daughter's emergency college fund.

#### IV. CLAIM FOR FORFEITURE

12. The allegations contained in paragraphs one through eleven of the Complaint are incorporated herein.

13. Pursuant to 21 U.S.C. § 881(a)(6), all moneys furnished or intended to be furnished in exchange for a controlled substance, all proceeds traceable to such an exchange, and all moneys used or intended to be used to facilitate such an exchange, in violation of Subchapter I of Title 21 of the United States Code, are subject to seizure and forfeiture to the United States, and

no property right exists in such property.

14. The Defendant-in-rem is subject to forfeiture pursuant to 21 U.S.C. § 881(a)(6) because it constitutes moneys intended to be furnished in exchange for a controlled substance, and/or proceeds traceable to such an exchange, and/or moneys used or intended to be used to facilitate such an exchange, in violation of Subchapter I of Title 21 of the United States Code.

15. By reason of the above, the Defendant-in-rem became, and is, subject to forfeiture to the United States of America, pursuant to 21 U.S.C. § 881(a)(6).

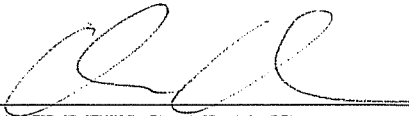
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WHEREFORE, plaintiff United States of America prays that process issue to enforce the forfeiture of the Defendant-in-rem and that all persons having an interest in the Defendant-in-rem be cited to appear and show cause why the forfeiture should not be decreed, and that this Court decree forfeiture of the Defendant-in-rem to the United States of America for disposition according to law, and that this Court grant plaintiff such further relief as this Court may deem just and proper, together with the costs and disbursements of this action.

Dated: New York, New York  
March 4, 2014

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United States of America

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